

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DC-3 ENTERTAINMENT, LLLP, a Florida
Limited Liability Limited Partnership,

Plaintiff and Counterclaim Defendant,

v.

JOHN GALT ENTERTAINMENT, INC., a
California corporation; DAVID
KERSHENBAUM and TIMMI DEROSA
KERSHENBAUM, husband and wife and the
marital community composed thereof,

Defendants and Counterclaim Plaintiffs.

JOHN GALT ENTERTAINMENT, INC., a
California corporation; DAVID
KERSHENBAUM and TIMMI DEROSA
KERSHENBAUM, husband and wife and the
marital community composed thereof,

Third-Party Plaintiffs,

v.

JONATHAN PHELPS and ESTHER PHELPS,
husband and wife and the marital community
composed thereof,

Third-Party Defendants.

CASE NO. C04-2374C

ORDER

1 This matter comes before the Court on Defendant's motion for reconsideration (Dkt. No. 75) of
2 the Court's June 7, 2005, Order dismissing DC-3 Entertainment, LLLP, from this action.

3 Motions for reconsideration are disfavored and generally will be denied absent "a showing of
4 manifest error in the prior ruling or a showing of new facts or legal authority which could not have been
5 brought to [the court's] attention earlier with reasonable diligence. " Local Rule CR 7(h) (W.D. Wash.).
6 Whether substitution or joinder is appropriate is within the sound discretion of the trial court. *See*, Fed.
7 R. Civ. P. 25(C); *In re Bernal*, 207 F. 3d 595, 598 (9th Cir. 2000).

8 Defendant challenges the Court's decision to substitute DC3 Entertainment, LLC for DC-3
9 Entertainment, LLLP as the Plaintiff and Counterclaim Defendant in this action by relying on the
10 speculative argument that DC3 LLC has no transferrable assets of value. Defendants previously
11 advanced this argument in objecting to Plaintiff's motion for substitution. Because the Court has already
12 had the opportunity to carefully consider this argument, and because it is based neither on new facts, nor
13 on new legal authority, the Court fails to find manifest error in its previous ruling. The Court declines to
14 alter or amend its Order substituting DC3 Entertainment, LLC for DC-3 Entertainment, LLLP as Plaintiff
15 and Counterclaim Defendant in this action. Defendants' Motion for Reconsideration is DENIED.

16 SO ORDERED this 1st day of July, 2005.

17
18 
19 UNITED STATES DISTRICT JUDGE
20
21
22
23
24
25